

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**INTERIM APPLICATION NO. 4609 OF 2025**  
**IN**  
**CRIMINAL WRIT PETITION ST NO. 4803 OF 2020**

Durgesh P. Jaiswal .. Applicant

Versus

State of Maharashtra & Anr .. Respondents

...

Mr. Gulestan M. Dubash i/b Mukesh Gupta for the applicant.  
Ms. Supriya Kak, APP for the State.

**CORAM : BHARATI DANGRE &**  
**SHYAM C. CHANDAK, JJ**  
**DATED : 17<sup>th</sup> DECEMBER, 2025**

**P.C:-**

1 Interim Application No. 4609/2025 seek restoration of the Writ Petition which was dismissed for want of prosecution on 28/7/2025.

While dismissing the said petition, the Court noted that even on an earlier occasion, i.e. 12/6/2024, the petition was dismissed for want of prosecution but the Court restored it on 19/11/2024.

2 We have heard learned counsel for the applicant and perused the application, which state that prior to the listing of the matter, the Advocate on record did not receive any intimation and therefore, the matter could not be attended.

We accept the said justification, as we find that it is bonafide and it is in the wake of the absence of the petitioner and his Advocate, which was not deliberate and intentional, on account of miscommunication, the matter was not attended and hence, dismissed for want of prosecution.

When we set aside the order dated 28/7/2025, we direct listing of the Writ Petition to its file by allowing the Interim Application, we deem it appropriate to impose cost of Rs.20,000/- to be deposited with the Legal Services Authority as a pre-condition for the restoration as we find that even on the previous occasion, Petition was dismissed for want of prosecution, but the Court was gracious enough to restore the same.

3 On the second occasion, we extend our magnanimity but the petitioner himself being an Advocate must be conscious of the fact that the Court's time stood wasted on two occasions when the petitioner did not remain present.

Hence, IA No. 4609/2025 is made absolute subject to deposit of cost of Rs.20,000/-.

Costs is directed to be paid within a period of four weeks from today.

(SHYAM C. CHANDAK,J)

(BHARATI DANGRE, J.)